

THE CITY OF SEATTLE  
OFFICE OF SUSTAINABILITY AND ENVIRONMENT

REQUEST FOR PROPOSAL  
FOR  
CARBON NEUTRAL SEATTLE ANALYSIS

RELEASED: June 1, 2010

PROPOSALS DUE: June 22, 2010

## PURPOSE AND BACKGROUND

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### **Background:**

Seattle has had a long history of planning and action to reduce greenhouse gas emissions including leading the effort in 2005 among the nation's mayors to commit their cities to meet the Kyoto Protocol targets. The current goals of the Seattle Climate Initiative are:

- 7% below 1990 levels by 2012
- 30% below 1990 levels by 2024
- 80% below 1990 levels by 2050

In February 2010 Seattle City Council adopted a goal of carbon neutrality for Seattle. Becoming carbon neutral is an extraordinary challenge and detailed analytical work is needed to help the City better understand the challenges and opportunities a path to carbon neutrality presents.

The Seattle Climate Action Plan was developed in 2006 with progress reports released in 2007, 2008, and 2009. Our first greenhouse gas emissions inventory was completed in 2008 based on 2005 data. The inventory was updated in 2009 with 2008 data. The 2008 data showed that the city had met the Kyoto target while growing 16% since 1990. While that was good news, we also saw trends that suggest the future challenge is immense and requires bold action.

### **Purpose:**

The purpose of this RFP is to select a qualified consultant or team of consultants to assist the City of Seattle in analyzing projected greenhouse gas emissions, understanding the role of current and potential policies, programs and actions in reducing emissions, and establishing a framework for a future action planning process.

Given the complexity of the tasks, potential data gaps, the lack of standardized protocols for these types of evaluations, and the limited budget for this project, the project's methods and results are hard to anticipate and will require refinement as the project moves forward. Proposers are encouraged to identify uncertainties and limitations they foresee or to suggest process or methodological improvements they believe could better achieve the project objectives.

## **SCOPE OF WORK**

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The following are key tasks in the scope of services. Estimated budgets noted are early estimates and the proposer may suggest alternate task budgets which should not exceed \$100,000 total.

### **Task 1: Gap and Goals (est. \$20,000)**

- Baseline: Project Seattle's modified geographic-based greenhouse gas emissions (include solid waste and recycling generated within but disposed of outside of the city limits) for 2030 and 2050 using the 2008 Seattle GHG emissions inventory data, projected population growth rates, and anticipated economic recovery impacts on manufacturing/industry, and other relevant factors.
- Adjusted Baseline: Identify and project the emissions reduction potential of existing and planned policies and actions through 2030 and 2050 including recent federal fuel efficiency regulations, federal energy efficiency grants to Seattle, transportation system improvements/strategy, zero waste strategy, etc.
- Carbon Neutral Goal – Explore how the City should define carbon neutrality and what might be appropriate intermediate emission reduction goals. Facilitate a workshop with City staff and an external technical advisory group convened by the City to develop recommendations for the City's greenhouse gas emission goals.

### **Deliverables**

- GHG emissions projections for 2030 and 2050
- Projected reduction potential of currently planned policies and actions
- Workshop with City staff and technical advisors and a results summary

### **Task 2: Sector Analysis (est. \$25,000)**

- Emissions Sources: Analyze key emissions sectors, including significant sources, emission drivers and trends. Key sectors include:
  - Transportation
  - Building energy
  - Waste
  - Industry
- Sphere of Influence: Identify the relative level of influence of City government, other governmental jurisdictions, residents, and businesses in influencing emissions reductions in the sectors. Evaluate and recommend methodologies for examining the City's sphere of influence by emission sector.

\*Note: For example, how should the role of City government be defined in the transportation sector? Seattle manages the City's transportation system but not area highways or the King County transportation system and ultimately the decision to walk, bike, ride or drive rests with individuals.

- Opportunities & Barriers: Identify the key opportunities and barriers to reducing emissions within each sector including political, financial, technological and equity aspects.

#### Deliverables

- Key emissions sources, drivers and trends within sectors
- Assessment of relative level of influence of City and other players
- Summary of key opportunities and barriers to making progress within each sector

#### **Task 3: Reduction Scenarios & Targets (est. \$40,000)**

- Scenarios: Develop at least three different scenarios with emission reduction targets for each sector (i.e. 400,000 metric tons) and secondary non-emission targets (i.e. 10% reduction in VMT). Work with City staff and technical advisors to develop the methodology and framework for developing the reduction scenarios. Reduction scenarios can be framed in a number of ways, including as Low, Medium, and High reduction paths or as paths to several climate goals (ie. Carbon neutrality v. 80% below 1990 levels.)

Although final methodology and framework will be developed during the project, proposers are encouraged to outline their best thinking on how the scenarios should be developed, and what information is most important to for the City to evaluate how it can close the gap between projected emissions and the City's climate goals. In the course of developing the methodology and scenarios, review technical research on sector emission reduction potential and the City's existing framing documents and reports including the Seattle Comprehensive Plan, Seattle Climate Action Plan, and Mitigating and Adapting to Climate Change: Recommendations to Seattle City Council.

#### Deliverables

- At least three reduction scenarios including sector targets and secondary non-emission targets.

#### **Task 4: Planning & Monitoring Frameworks (est. \$15,000)**

- Evaluation Criteria: Define criteria for evaluating potential reduction targets and emission reduction actions. Example criteria considered include:
  - the ability of the City to have an influence – directly or indirectly,
  - where the action falls within the City's value-based sector hierarchy,

- funding source potential (available or potential),
  - significant emissions source when consumption is considered (based on benchmarking consumption/systems based inventories from similar cities)
  - maximizing paradigm-shifting opportunities with long-term reduction potential over short-term, smaller reduction opportunities,
  - upcoming significant decisions that are time sensitive and failure to consider the GHG emissions impacts would result in a potentially significant lost opportunity,
  - co-benefits to the community and environment (e.g. air quality, job creation), and
  - potentially disproportionate impacts on underserved communities
- Frameworks: Develop a framework including intermediate target indicators for action planning and a framework for evaluating progress toward the City's climate goals.
  - Workshop: Facilitate a second workshop of City staff and external technical advisors to more fully develop the opportunities and barriers analysis, evaluate the scenarios, develop an action planning framework, and revisit the intermediate and carbon neutral goals in light of this analysis.

#### **Deliverables**

- Recommended evaluation criteria and considerations for their application
- Framework for action planning
- Framework for monitoring progress including recommended indicators
- Plan and facilitate a workshop with City staff and technical advisors, prepare summary report

### **PROPOSAL PROCESS**

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By responding to this RFP, the Proposer acknowledges that it has read and understood the terms and requirements set forth in these documents.

#### **CONTACTS**

The City RFP Coordinator is:

Tracy Morgenstern  
 City of Seattle  
 Office of Sustainability and Environment  
 700 Fifth Avenue, Ste. 2748  
 Seattle, WA 98104  
 PO Box 94729  
 Seattle, WA 98124-4729  
 Tel: 206.386.4595  
 fax: 206.684.3013  
 E-mail: [tracy.morgenstern@seattle.gov](mailto:tracy.morgenstern@seattle.gov)

The Seattle Office of Sustainability and Environment (OSE) is located on the 27<sup>th</sup> floor of the Seattle Municipal Tower (700 5<sup>th</sup> Avenue).

## **OVERVIEW**

### **Communications**

All Proposer communications concerning this RFP should be directed in writing to Tracy Morgenstern, the RFP Coordinator. No other City officials or employees, other than the RFP Coordinator are empowered to speak for the City with respect to this RFP. Proposers who seek to obtain information, clarification, or interpretation from other City officials or employees are advised that such material is used at the Proposer's own risk, and the City will not be bound by any such representations. Any attempt to bypass the RFP Coordinator or this RFP process may be grounds for rejection of the Proposer's proposal.

Following the Proposal submittal deadline, Proposers' shall not contact the City RFP Coordinator or any other City employee, except to respond to a request by the City RFP Coordinator. The Proposer may obtain status of the RFP on the Office of Sustainability & Environment Web site at:

<https://www.seattle.gov/environment>

### **RFP Schedule**

OSE reserves the right to change the dates as needed:

- Publish Request for Proposals: **June 1, 2010**
- Deadline to receive questions in writing (email is preferred): **June 7, 2010 (4:00 pm)**
- Answers issued to respondents' questions: **June 11, 2010**
- Due date to notify RFP Coordinator of intent to propose: **June 15, 2010**
- Due date for project proposals: **June 22, 2010 (4:00 pm)**
- Interviews/Oral presentations: **The week of July 5, 2010**
- Notice of Intent to Award: **By July 16, 2010**

### **Questions:**

Your written questions must be received by **June 7, 2010, 4:00 pm** to be accepted. Questions will be documented, answered in written form, and posted on the Office of Sustainability & Environment website: <https://www.seattle.gov/environment>. It is the responsibility of the Proposer to assure that it received responses to its questions.

### **Intent to Propose:**

Please send email notification of your intent to submit a proposal to the RFP Coordinator, Tracy Morgenstern at [tracy.morgenstern@seattle.gov](mailto:tracy.morgenstern@seattle.gov). Notice of intent to propose is not required but will facilitate providing notice of any changes to the RFP.

Should any changes need to be made in the RFP; an addendum will also be posted on the Office of Sustainability & Environment website. The website can also be accessed from the Seattle.Gov website. <https://www.seattle.gov/environment>

Please submit questions and notice of intent to propose to:

Tracy Morgenstern  
City of Seattle  
Office of Sustainability and Environment  
700 Fifth Ave., Suite 2748  
Seattle, WA 98104  
PO Box 94729  
Seattle, WA 98124-4729  
[Tracy.Morgenstern@seattle.gov](mailto:Tracy.Morgenstern@seattle.gov)

**How to Receive Addenda and RFP Information**

Proposers who wish to receive hard copies of addenda to this RFP (if any), answers to questions posed by other Proposers, and related information, can print the documents from the Office of Sustainability & Environment website: <https://www.seattle.gov/environment>

**Proposal Submittal**

An original and four (4) hard copies of each proposal must be submitted in a sealed envelope and delivered to:

Tracy Morgenstern  
City of Seattle  
Office of Sustainability and Environment  
700 Fifth Ave., Suite 2748  
Seattle, WA 98104  
Tel: 206.386.4595  
Fax: 206.684.3013

or if mailed:

Tracy Morgenstern  
City of Seattle  
Office of Sustainability and Environment  
PO Box 94729  
Seattle, WA 98124-4729

Proposals may be mailed or delivered in person, but must be received at the above address **no later than June 22, 2010, 4:00 pm.** Late proposals will not be accepted. Faxed or emailed copies will not be accepted. Proposers are solely responsible for ensuring that Proposals are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of Proposals.

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**The Proposer shall submit the following with the Proposal:**

- **Proposal Cover Page:** Must include the following information in your cover page:
  - 1) Name of Proposer
  - 2) Address and Phone
  - 3) Contact Person (include phone number and email address)
  - 4) Proposer contact information if different than above Contact Person (include phone number and email address)
- **Cover letter**
- **Proposal Response:**
  - 1) **Experience:** Provide a brief description of your project team including experience measuring greenhouse gas emissions at the municipal level and experience developing and implementing methodologies for projecting emissions of municipal policy and program initiatives. As part of this description, please include:
    - Provide project team resumes as well as one paragraph about each team member that describes their experience in terms of contributions to similar work as described in the Statement of Work and Specifications. Limit resumes to two pages.
    - Please describe at least two and not more than four relevant projects that team members have undertaken including a brief description of the project, its objectives, deliverables, and budget.
  - 2) **Approach & Timeline:** Describe your approach to each task in the Statement of Work and Specifications. The City recognizes that this is an emerging area of work, and proposers are encouraged to present creative ideas or alternative approaches to meeting the objectives of this project. Indicate the team leader and members responsible for each task. Include a general timeline for each task and deliverable. Describe the methods you propose to use.
  - 3) **Budget:** Provide a detailed cost estimate showing number of hours and hourly rates for each team member and direct costs. The estimated budget identified in the Statement of Work are early estimates and the proposer may shift budget between tasks as needed but the project total will not exceed \$100,000. The City of Seattle realizes all hours cited are estimates for purposes of proposal evaluation only. Proposers are strongly encouraged to estimate as closely as possible to the number of hours for each task.
  - 4) **References:** Please provide three references (with name, title, address and phone number) who can speak to you or your firm's ability to provide the services as defined in this RFP. Include a brief statement describing the relationship between you or your firm and the reference. The City may go beyond these references and seek additional references from people who have experience with your firm.
- Completed Equal Benefits Compliance Declaration; (Attachment 1)
- Industrial Insurance coverage, if required
- Evidence of UBI Number.



- Employment Security Number, if necessary.

### **FORMAT**

The proposal response should be:

1. Presented in PDF or Microsoft Word application;
3. All pages must be numbered sequentially.
4. Please print double-sided.
5. Questions must be answered in the order presented in the RFP.

### **Insurance:**

Proposers with the City of Seattle must carry the following coverages and limits of liability:

- General Liability with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
- Automobile Liability covering owned and non-owned vehicles with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
- Professional Liability (Errors, and Omissions) with a minimum limit of liability of \$2,000,000 each claim.
- Workers' Compensation per statutory requirements of the Washington industrial insurance RCW Title 51.
- Any other insurance requirements as established by the City of Seattle.

### **Period of Performance:**

The expected time to complete this initial Scope of Work is 6 months.

### **Funding Available:**

This is a competitive bid process. The Consultant shall be compensated in accordance with the Consultant Contract executed by the successful Proposer and the City.

### **General Guidelines and Requirements**

- This RFP should be interpreted in a manner consistent with the terms of this RFP.
- It is the Proposer's responsibility to carefully review all specifications, requirements, General Conditions, insurance requirements, and other requirements herein. Submittal of a Proposal is conclusive evidence that the Proposer understands all requirements and specifications without exception. The City is under no obligation to accept any exceptions requested or marked by the Proposer to the RFP and the City may choose to disregard any such exceptions.
- This RFP does not, under any circumstances, commit the City to pay any costs incurred by any Proposer in the submission of a proposal. The Proposer is responsible for all costs associated with its response to this RFP.
- The City reserves the right to reject any or all proposals at any time with no penalty and to waive immaterial defects and minor irregularities in proposals.
- All materials submitted in response to this RFP will become the property of the City upon delivery to the RFP Coordinator.

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- All provisions of this RFP will become part of the Contract. The Proposer's written response to the RFP may also become a part of the Contract. The City reserves the right to reject items in the response to the RFP.
- The City reserves the right to revise the RFP schedule, to revise the RFP and/or to issue addenda to the RFP. The City reserves the right to cancel or to reissue the RFP in whole or in part prior to the execution of a contract. The City also reserves the right to refrain from contracting with any and all firms or individuals and/or to contract with a qualified firm at a date later than the date specified in this RFP. The release of the RFP does not compel the City to enter into any contract pursuant to the RFP.
- If a Proposer wishes to withdraw its response, they must submit a written request to the RFP Coordinator expressing their desire to withdraw its response. Any Proposer that withdraws from this RFP process understands that its written proposal to the RFP will not be returned.
- As part of the evaluation process, and at the discretion of RFP Coordinator and/or Review Committee, Proposers may be asked to clarify specific points in their respective responses. The City reserves the right to request oral presentations from applicants. The City's requests for a clarification of a Proposer's response shall not be construed as giving that Proposer the right to amend its response or to provide additional written materials, unless expressly requested by the City and/or the Review Committee.
- The City may attempt to negotiate a contract with the Proposer selected on terms that it determines to be fair and reasonable and in the best interest of the City, including the best interests of the population served by the contract. If the City is unable to negotiate such a contract with the Proposer first selected on terms that it determines to be fair and reasonable and in the best interest of the City, including the best interests of the population served by the contract, negotiations with that Proposer shall be terminated or suspended and another qualified Proposer may be selected in accordance with the procedures set forth in this RFP. If the City decides to continue the process of selection, negotiations shall continue with a qualified Proposer in accordance with this RFP at the sole discretion of the City until an agreement is reached with one of the Proposers. The process may be repeated until an agreement is reached.
- Any contract resulting from this RFP will be between the City of Seattle's Office of Sustainability & Environment and the Proposer. It is required that the selected Proposer will provide all services and will not subcontract or otherwise assign any of the work awarded through this contract without formal, written authorization from the RFP Coordinator. This does not apply to the use of expert services.
- The selected Proposer will be required to maintain administrative books, records, documents, and other evidence directly related to performance of the work and financial records in accordance with generally acceptable accounting procedures. All such records must be retained for a period of six (6) years after completion of work. The City of Seattle, or any of its duly authorized representatives, shall have access to any such books, records and documents for inspection, audit and copying during the contract and retention periods. Disclosure of this information shall not include information which falls within attorney/client privilege.
- Proposers participating in this RFP shall not coordinate or discuss their bids to provide consultant services to the City of Seattle. Federal and Washington State antitrust laws make it per se illegal for such competitors to agree to fix prices, reduce output, allocate customers, or rig bids. See 15 U.S.C. § 1; RCW 19.86.030. Any agreement to, for example, coordinate bids,

refuse to bid, or establish the rates at which services would be offered, would be a per se violation of the antitrust laws and could subject the participants to criminal penalties. Any firms or individuals participating in such activities shall be disqualified from the RFP process. See Federal Trade Commission v. Superior Court Trial Lawyers Association, 493 U.S. 411 (1990) (Antitrust laws prohibit lawyers from colluding as to the amount they would charge the District of Columbia government for their services.)

#### Public Disclosure

- The City requests that Proposers refrain from requesting public disclosure of Proposal/Bid information until a Notice of Intent to Award is announced, as a measure to best protect the solicitation process, particularly in the event of a cancellation or re-solicitation. With this preference stated, the City shall continue to properly fulfill all public disclosure requests for such information as required by State Law.
- Proposers and Bidders should understand that any records (including, but not limited to Proposal submittals, the Agreement, and any other Contract materials) they submit to the City become public records under Washington State law (See RCW 42.56, the Public Disclosure Act, at <http://www1.leg.wa.gov/LawsAndAgencyRules>). Public records must be promptly disclosed upon request unless a statute exempts disclosure. Exemptions from disclosure include trade secrets and valuable formulas (See RCW 42.56.540 and RCW 19.108). However, public-disclosure exemptions are narrow and specific. Proposers and Bidders are expected to be familiar with any potentially-applicable exemptions, and the limits of those exemptions.
- All proposals and materials submitted under this RFP shall be considered public documents at the time of the proposal deadline and may be reviewed by appointment by anyone requesting to do so. If a Proposer considers any portion of their Proposal to be protected under Washington State law, the Proposer shall separately bind and clearly mark any proposal or proposal records they believe are exempt from disclosure with words such as “CONFIDENTIAL,” “PROPRIETARY” or “BUSINESS SECRET.” Proposers should mark as “CONFIDENTIAL,” “PROPRIETARY” or “BUSINESS SECRET” only that information they believe legitimately fits within a public-disclosure exemption. The City may reject solicitation responses that are marked proprietary in their entirety.
- If a request is made for disclosure of such portion, the City will determine whether the material should be made available under Washington State law. If the material does not appear to be exempt from public disclosure under the law, the City will notify the Proposer of the request and allow the Proposer ten (10) days to take whatever action it deems necessary to protect its interests. If the City receives a public disclosure request for records that a Proposer has marked as “proprietary information,” the City will notify the Proposer of this request and postpone disclosure briefly to allow the Proposer to file a lawsuit to enjoin disclosure.
- If the Proposer fails or neglects to take such action within said period, the City will release the portion of the Proposal deemed subject to disclosure. By submitting a Proposal, the Proposer assents to the procedure outlined in this paragraph and shall have no claim against the City on account of actions taken under such procedure.
- The City has no obligation to assert an exemption from disclosure. If the Proposer believes that its records are exempt from disclosure, the Proposer is obligated to seek an injunction under RCW 42.56.450. By submitting a Proposal the Proposer acknowledges this obligation; the

Proposer also acknowledges that the City will have no obligation or liability to the Proposer if the records are disclosed.

### Addenda

- Addenda may be issued to modify or clarify the RFP Documents. A change may be made by the City if, in the sole judgment of the City, the change will not compromise the City's objective of this RFP. A change to this RFP will be made by formal written addendum issued by the City. Addenda shall become part of this RFP and included as part of the Contract.
- Questions regarding the meaning or intent of the RFP Documents shall be submitted to the City in writing as provided by this RFP. Modifications or clarifications will be provided by addenda and only questions answered by formal written addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
- It is the responsibility of the interested Proposers to assure that they have received addenda if any are issued. Addenda will be posted on the Office of Sustainability & Environment website at: <https://www.seattle.gov/environment>. It remains the obligation and responsibility of the Proposers, to learn of any addenda, responses, or notices issued by the City. Such efforts by the City to provide notice or to make it available on the Website do not relieve the Proposers, from the sole obligation of learning of such material.

The Proposer should check with Tracy Morgenstern, RFP Coordinator the day before Proposals are due to confirm the number of addenda issued. Tracy Morgenstern can be reached at (206) 386-4595 or E-mail: [tracy.morgenstern@Seattle.Gov](mailto:tracy.morgenstern@Seattle.Gov).

### Equal Benefits

In order to contract with the City, the selected Proposer must comply with the requirements of the Equal Benefits Program, Seattle Municipal Code Ch. 20.45, and related Rules. The law requires certain consultants to the City to provide the same or equivalent benefits ("equal benefits") to its employees with domestic partners as the consultant provides to its employees with spouses. At the City's request, the selected Proposer shall provide complete information about their benefits programs, including verification of compliance with this non-discrimination requirement. We encourage Proposers to contact the City in advance of proposing if you have any concerns about whether or not your benefits program does or can be brought into compliance with this requirement. For further information about the Equal Benefits Program or to review the Equal Benefits Compliance Worksheet, call 206-684-0430 or review program information at <http://www.cityofseattle.net/contract/equalbenefits/default.htm>.

Compliance with the Equal Benefits statements made by the Proposers is required for the duration of the Contract. If the Proposer indicates they provide Equal Benefits, and then discontinues during the term of the Contract, this can cause Contract termination and/or a Proposer's debarment from future City contracts. Equal Benefits may be audited at any time prior to Contract award or during the Contract:

- Proposers must submit an Equal Benefits (EB) Compliance Declaration with their Proposal (Attachment 1). If the EB Compliance Declaration is not submitted with the Proposal, the Proposal will be rejected. If the Proposer is not required to comply with Equal Benefits and does not intend to do so, the EB Compliance Declaration must still be submitted with the Proposal.
- Proposers must fill out the EB Compliance Declaration completely and properly. A Proposer's standing in the evaluation process is dependent on this, so it is important to understand and complete the Form properly.
- The RFP Coordinator can answer most questions. However, any questions regarding the EB Compliance Declaration may be addressed to either the RFP Coordinator or the Contracting Services Section at: 206.684.0430 to ensure Proposers correctly complete the Compliance Declaration before submittal of its Proposal. If a response is not received within the time frame required to submit the Proposal by the due date, contact the RFP Coordinator for direction.
- There are 6 options on the Compliance Declaration. They range from full compliance (Options A, B, C), to several alternatives that require advance authorization by the City before you submit your Proposal (Option D, E), to Non Compliance. Select the option that is true of your company's standing at the time you submit your Proposal. You are not allowed to revise the Compliance Declaration after you submit the Proposal.
- Option D and Option E are used only if you have an official waiver from the City before you submit your Proposal. Waivers are issued by the Contracting Services Section at 206-684-0430. You must request and receive the waiver before you submit your Proposal. If the waiver is not attached with your Proposal, the RFP Coordinator may change your status to non-compliance.
- The Compliance Declaration provides the RFP Coordinator with your declared EB status. However, the City issues the final determination of your EB status for purposes of Proposal evaluation.
- If information on your Compliance Declaration is conflicting or not clearly supported by the documentation that the City receives, the RFP Coordinator may reject your Proposal or may seek clarification to ensure the City properly classifies your compliance.

**Equal Benefits makes a significant difference in your standing as a Proposer. Here are the evaluation steps:**

If one or more Proposers comply (having properly selected any options from A through E) based on the Equal Benefits Compliance Declaration, then:

- Only EB compliant Proposers continue towards evaluation.
- Any non-compliant Proposer will be rejected and no further evaluation will be made. These include Proposers that select the option of "Non Compliance" (they do not comply and do not intend to comply) or those that the City finds Non-Compliant upon review (such as those that select Option D or E and do not have a waiver from the City to select that option, or where the form is blank, or where the Proposer Compliance Declaration proves non-compliance even if they checked a compliance option).

The City occasionally receives responses where every Proposer is non-compliant to EB. If every Proposer is non-compliant then:

- All Proposals that are otherwise responsive and responsible will continue forward for scoring and evaluation.

- This option is only used when every Proposer either selects Non Compliance (that they do not comply and do not intend to comply) or is found by the City as Non-Compliant upon review.

#### Non-Collusion Requirement

The Proposer, by submitting its Proposal, declares that they have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in the preparation and submission of its Proposal to the City for consideration in the Award of Contract for this RFP. The original Proposal, as modified in writing and received prior to the time designated for receipt of Proposals, will be accepted as the official Proposal. A Proposal may not be modified by the Proposer after it is submitted.

#### Irregular Proposals:

A Proposal will be considered irregular and non-responsive, and will be rejected if:

- The Proposer has not submitted the completed Equal Benefits Compliance Declaration with the Proposal indicating compliance with SMC Ch. 20.45 and the Equal Benefit Program Rules; or
- The Proposal does not constitute a definite and unqualified offer to meet the material terms of the RFP; or
- The Proposer has been disqualified or otherwise debarred from doing business with the City of Seattle; or
- A Proposer is a member of a Joint Venture or partnership and the Joint Venture or partnership submits a Proposal for the same Project (in such an instance, both Proposals may be rejected)
- Sufficient evidence of collusion exists with any other Proposer or potential Proposer. Participants in collusion will be restricted from submitting further Proposals and may be debarred pursuant to SMC 20.70.

#### Disqualification of Proposers

At the sole discretion of the City, a Proposer may be deemed not responsible and its Proposal rejected and the Proposer disqualified if:

- More than one Proposal is submitted for the same Project from a Proposer under the same or different names; or
- A Proposer, in the opinion of the City, is not qualified for the Work specified; or
- An unsatisfactory performance record exists as shown by past or current Work for the City, or for others, as judged from the standpoint of conduct of the Work, environmental or safety compliance records, workmanship, progress, affirmative action, or equal employment opportunity practices; or
- There is uncompleted work (City or otherwise) which might hinder or prevent the prompt completion of the Work; or
- The Proposer failed to settle bills for labor or materials on past or current contracts; or
- The Proposer has failed to complete a public contract or has been convicted of a crime arising from a previous public contract; or
- The Proposer is unable, financially or otherwise, to perform the Work; or

- A Proposer is not authorized to do business in the State of Washington; or
- The Proposer failed to meet the Affirmative Efforts requirements of SMC Ch. 20.42; or
- The Apparent Successful Proposer fails to have or take efforts to immediately obtain a City of Seattle Business License; or
- For any other reason deemed proper by the City.

#### Rights of the City:

In addition to such other rights as may be reserved elsewhere in the Contract, the City reserves the right to:

- Reject any or all Proposals,
- Waive informalities or immaterial irregularities in the Proposal,
- Correct arithmetical errors in a Proposal,
- Re-advertise for Proposals,
- Revise or cancel the RFP.

#### Mandatory Seattle Business Licensing and Associated Taxes: Seattle Business License:

- The Selected Proposer must obtain a Seattle Business License number and have taxes due to date paid before the Contract is signed. All costs for any licenses, permits and Seattle Business License taxes owed shall be borne by the Proposers and not be charged separately to the City. Sub-Proposers performing work within the City of Seattle shall possess a City of Seattle Business License.
- If the Selected Proposer does not have a current Seattle Business License, they shall immediately obtain the License and ensure all City taxes are current, unless exempted by City Code. Failure to do so will result in rejection of the Proposal.
- If the Proposer believes it is exempt, the Proposer must provide an explanation to the RFP Coordinator and/or confirmation by the Revenue and Consumer Affairs Office (RCA). Out-of-state and foreign-owned businesses are NOT exempt.
- Questions and Assistance: The City Revenue and Consumer Affairs (RCA) is the office that issues business licenses and enforces licensing requirements. The main phone number is 206-684-8484. You may also contact RCA staff for assistance: Anna Pedroso at 206-615-1611, [anna.pedroso@seattle.gov](mailto:anna.pedroso@seattle.gov), Wendy Valadez at 206-684-8509, [wendy.valadez@seattle.gov](mailto:wendy.valadez@seattle.gov), or Brenda Strickland, [brenda.strickland@seattle.gov](mailto:brenda.strickland@seattle.gov) at 206 684-8404.

The licensing Web site is <http://www.seattle.gov/rca/taxes/taxmain.htm>

#### Ethics:

- The Seattle Ethics Code provides rules about employee work activities, business relationships, and the use of City resources. The City requires that Proposers who contract with the City, or are interested in pursuing a Contract, comply with the City Ethics Code. Proposers shall not directly or indirectly offer gifts and resources to any person employed by the City that is intended, or may reasonably appear intended, to benefit the Proposers by way

of award, administration, or in any other way to influence contracting decisions of the City. This includes, but is not limited to, Office of Sustainability and Environment and City employees that have decision-making for this RFP and its Scope of Services. The Proposers shall not offer meals, gifts, gratuities, loans, trips, favors, bonuses, donations, special discounts, work, or anything of economic value to any such City employees. This does not prohibit distribution of promotional items that are less than \$25 when provided as part of routine business activity such as trade shows.

- It is also unlawful for anyone to offer another such items to influence or cause them to refrain from submitting a Proposal.
- Proposers must strictly adhere to the statutes and ordinances for ethics in contracting and purchasing, including RCW 42.23 (Code of Ethics for Municipal Officers) and RCW 42.52 (Ethics in Public Service). This is applicable to any business practice, whether a contract, solicitation or activity related to City business.
- The Web site for the Code of Ethics is: [http://www.seattle.gov/ethics/etpub/et\\_home.htm](http://www.seattle.gov/ethics/etpub/et_home.htm)
- Upon receipt of an Intent to Award, Proposer shall promptly notify the City, in writing of any person who is expected to perform any of the Work and who, during the twelve months immediately prior to the expected start of such work, was an official, officer or employee of the City. Proposers shall ensure that no Work related to this contract is performed by such person, to the extent that such work is disallowed by the City.
- Proposer confirms that it does not have a business interest or a close family relationship with any City elected official, officer or employee who was, is, or will be involved in the Proposer's selection, negotiation, drafting, signing, administration or evaluating the Proposer's performance. Should any such relationship exist, Proposers shall notify the RFP Coordinator in writing and the City shall make sole determination as to compliance.

#### Nondiscrimination in Employment, Contracting and Benefits:

The Proposer that is selected by the City as a result of this RFP will be required to comply with all applicable federal, state, and local non-discrimination laws, particularly the requirements of Seattle Municipal Code Ch. 20.42. This Code encourages the use of Women and Minority Business Enterprises and women and minority employees in all City contracts, and encourages outreach efforts to include women and minorities in employment, contracting, and subcontracting opportunities.

#### Contract Negotiations:

The City intends to complete contract negotiations with the firms or individuals in August, 2009. It is estimated that this Agreement will be executed shortly thereafter and that work under the Scope of Work in this RFP will begin soon after that. Further, in the event of a negotiation impasse with any firm, OSE reserves the right without penalty and at its sole discretion to:

1. Reject the Proposer's proposal and select the next preferred Proposer, or
2. Take no further action to continue the award and/or execution of contracts under this RFP, or
3. Reissue the RFP with any changes OSE deems appropriate.



## **SELECTION PROCESS**

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### **Proposal Review Process**

The purpose of the selection process is to determine which Proposer is the best fit to perform the Scope of Work under this RFP. The selection process consists of an evaluation and selection of the most qualified Proposer based on Proposals submitted in response to this RFP and the presentation/interview.

The Evaluation Committee determines the most qualified Proposer by scoring the Proposals based upon the criteria and requirements contained in this RFP. If additional information or clarification is requested by the Committee, City staff may contact the Proposers to obtain this information. The Evaluation Committee may also choose to interview one or more of the Proposers.

City staff may conduct telephone interviews as needed to clarify information provided in a Proposer's response.

### **Most Favorable Terms**

The City reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted on the most favorable terms. If awarded, a Proposer should be prepared to accept the terms they proposed for incorporation into a contract resulting from this RFP.

### **Proposal Scoring:**

Proposals will be rated according to the following criteria. Proposers should address the criteria in their proposals as delineated in the following sections.

#### **Criteria for Evaluation Committee points**

1. Response meets the minimum qualifications.
2. All questions are answered.

<b>Criteria</b>	<b>Maximum Points</b>
Approach to Scope of Work	40
Ability and qualifications of professional personnel	30
Proposer's experience and past performance (Including References)	20
Ability to meet time and budget requirements	10
Total Points	100

The Evaluation Committee will evaluate the Proposals and verify that the Proposer has demonstrated compliance with the Minimum Qualifications outlined in the RFP. The Evaluation Committee will score the Proposers based on the presentation/interview. Proposers will be ranked by totaling the total points scored. The Proposer with the highest adjusted points will be the highest ranked

Proposer; however, the Evaluation Committee reserves the right to select the Proposer that it determines to best meet the interests of the City, including the interests of the population served by the contract.

## **APPEAL PROCESS**

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At the end of the evaluation process, OSE will notify all Proposers in writing of the status of their proposal(s). Written appeals may be made to the : Director-Contracting Services, Department of Executive Administration: PO Box 94687, Seattle, WA 98124-4687 (with a “carbon copy” (cc:) to the RFP Coordinator) within three (3) business days of official Notice of Intent to Award. Any request for documents of Public Disclosure Request shall not extend a Proposer’s appeal period or the appeal procedures set forth in this RFP. The appeal will be reviewed as soon as possible and the Department of Executive Administration will respond to appeals within twenty business days. If additional time is required, the appealing party will be notified.

An appeal must clearly state a rationale based on one or more of the following criteria:

- Violation of policies or guidelines established in the Request for Proposals
- Failure to adhere to publicized criteria and/or procedures in carrying out the RFP process.

### **Appeal Procedures:**

1. Firms or individuals appealing this process must follow the procedures described herein. Appeals that do not follow these procedures will not be considered. This appeal procedure constitutes the sole administrative remedy available under this RFP.
2. All appeals must be in writing and signed by the appealing party. The appeal must state all facts and arguments on which the appealing party is relying. All appeals shall be addressed to the Director of the City’s Contracting Services Division - Department of Executive Administration with a “carbon copy” (cc :) to the RFP Coordinator.
3. Only appeals setting forth an issue of fact concerning a matter of bias, discrimination, conflict of interest, or non-compliance with procedures described in the RFP shall be considered. Appeals based on non-procedural matters will not be considered.
4. In the event an appeal may affect the interest of other firms or individuals who submitted an RFP, such firms or individuals will be given an opportunity to submit their views and any relevant information on the appeal to the Department of Executive Administration.
5. Upon receipt of an appeal, an appeal review will be conducted by the Director of the City’s Contracting Services Division/Department of Executive Administration, or its delegee, to review the RFP process. This appeal review is not a review of responses submitted or the evaluation scores received. The purpose of the appeal review is to insure that procedures described in the RFP document were followed, all requirements were met and all firms or individuals were treated equally and fairly.
6. Appeals will not be accepted prior to selection of the successful firm or individual. Appeals may be sent by mail, fax or be hand-delivered. **They must be received by the Department of Executive Administration by 5:00 pm no later than three (3) business days of the official Notice of Intent to Award.** Firms or individuals are solely responsible for ensuring that appeals

are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of Appeals.

**Screening:**

The Proposer represents that they have the qualifications and characteristics required to perform the Scope of Work in the RFP.

**Reporting:**

The successful Proposer shall submit all reports required by OSE and local, state and federal law. Payment to the Consultant may be withheld if any required reports are not submitted on time.

**Conflict of Interest:**

In the event any Proposer of selected Proposer suspects or has a conflict of interest, then they must notify the RFP coordinator immediately.

**MINIMUM QUALIFICATIONS**

The following are minimum qualifications that the Proposer must meet in order to be eligible to submit a Proposal. Responses must clearly demonstrate how the Proposer meets or exceeds these minimum qualifications. The selected Proposer should possess the following qualifications and characteristics at the time of appointment and throughout his or her term. Responses that do not clearly address these minimum qualifications will be rejected by the City without further consideration:

- expertise designing greenhouse gas emissions monitoring frameworks at the municipal level
- expertise measuring greenhouse gas emissions at the municipal level
- expertise identifying and analyzing categories of actions that could result in emissions reductions

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**ATTACHMENTS**

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**Attachment #1: Equal Benefits Compliance Declaration**



**EB\_Declaration.pdf**

**END OF RFP**